

# Reducing marine pest biosecurity risks through good practice biofouling management

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## Background

The movement of vessels and mobile facilities into, out of, and within the Commonwealth marine area<sup>1</sup> (CMA) is a potential mechanism for the transfer of marine pests (also referred to as invasive marine species (IMS)) into new areas. The establishment of marine pests in the CMA may result in significant impacts to the marine environment, potentially compromising the viability of socio-economic commodities such as aquaculture, fishing and tourism as well as potentially widespread ecological impacts. Historically, once marine pests are established, they are very difficult to control and fully eradicate. Consequently, the management of marine pest risk<sup>2</sup> should focus on preventing the introduction of marine pests into new areas.

Biofouling is the growth of marine organisms found on the hulls and niche areas of vessels and underwater surfaces of offshore facilities and infrastructure, including mobile offshore drilling units (MODUs). Biofouling is one of the most common ways that marine pests are transferred within the marine environment. The offshore industry has a key role to play in managing the risk of marine pest introductions and preventing further spread of already established species. Through its regulatory activities, NOPSEMA has identified that there is not a common understanding across the industry in relation to the biofouling risk management requirements that apply to offshore petroleum and greenhouse gas activities (offshore activities).

The intent of this Information Paper is to:

1. Clarify biosecurity requirements relevant to offshore activities<sup>3</sup>.
2. Provide coordinated good practice advice that is consistent with the expectations of all jurisdictions responsible for regulating biofouling management within the Australian marine environment to the boundary of the Economic Exclusion Zone and/or over the continental shelf of Australia (Australian waters).
3. Support the industry's contribution to marine pest biosecurity risk management consistent with objective 1 of Australia's Marine Pest Plan 2018-2023: The National Strategic Plan for Marine Pest Biosecurity (Department of Agriculture and Water Resources, 2018)<sup>4</sup> – 'Minimise the risk of marine pest introduction, establishment and spread'.

<sup>1</sup> The Commonwealth marine area (CMA) is any part of the sea, including the waters, seabed, and airspace, within Australia's exclusive economic zone and/or over the continental shelf of Australia, that is not state or Northern Territory waters and is a listed matter of national environmental significance under the *Environmental Protection and Biodiversity Conservation Act 1999*.

<sup>2</sup> The definition of risk is provided in Australian Standard – Risk management – Guidelines (AS ISO 3100).

<sup>3</sup> This Information Paper should not be relied on as a comprehensive guide to all of the marine biosecurity requirements that apply in Australian waters given that there are multiple State / Territory jurisdictions with varying requirements and legislative requirements may have changed since this Information Paper was published.

<sup>4</sup> The *Marine Pest Plan 2018-2023: National Strategic Plan for Marine Pest Biosecurity* (Department of Agriculture and Water Resources, 2018) is Australia's national strategic plan for marine pest biosecurity. It outlines a coordinated approach to building Australia's capabilities to manage the threat of marine pests over the next five years. As of March 2026, the MarinePestPlan is the subject of a review process coordinated by DAFF.

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## 1. Clarifying biosecurity requirements

There are a range of requirements that apply to the management of marine biosecurity risk within Australian waters. These include the *Biosecurity Act 2015* (Biosecurity Act) administered by the Commonwealth Department of Agriculture, Fisheries and Forestry (DAFF), the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 (Environment Regulations) administered by NOPSEMA and relevant state/territory marine biosecurity requirements (see Appendix A for details).

Titleholders, MODU operators and vessel contractors servicing the offshore industry need to be aware of, and comply with, relevant biosecurity requirements (including biofouling management requirements) that apply when moving into and between Commonwealth and state/territory jurisdictions, specifically:

- From the territorial sea baseline (coast) to 3 nm (nautical miles) (coastal waters):
  - The relevant state/territory biosecurity agency requirements (see Appendix A for contact details) in accordance with the relevant state/territory legislation.
  - DAFF requirements in accordance with the Biosecurity Act.
- Between 3 and 12 nm (joint DAFF/NOPSEMA jurisdiction):
  - DAFF requirements in accordance with the Biosecurity Act.
  - NOPSEMA's requirements in accordance with the Environment Regulations apply if the vessel<sup>5</sup> (including seismic vessels and support vessels (e.g. construction, installation, and accommodation vessels)) facility<sup>6</sup>, MODU or any other mobile component is engaged in an offshore activity which must be undertaken in line with an approved Environment Plan (EP). Once a vessel (including seismic and support vessels), facility, MODU or other mobile component is no longer undertaking an offshore activity, the Environment Regulations no longer apply.
- Between 12 and 200 nm (exclusive economic zone/NOPSEMA jurisdiction):
  - NOPSEMA's requirements in accordance with the Environment Regulations apply if the vessel (including seismic vessels and support vessels (e.g. construction, installation, and accommodation vessels)), facility, MODU or any other mobile component is engaged in an offshore activity which must be undertaken in line with an approved EP. Once a vessel (including seismic and support vessels), facility, MODU or other mobile component is no longer undertaking an offshore activity, the Environment Regulations no longer apply.

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<sup>5</sup> Defined under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* as 'a vessel used in navigation, other than by air navigation, and includes a barge, lighter or other floating vessel'.

<sup>6</sup> Defined under the Environment Regulations as including 'a structure or installation of any kind'.

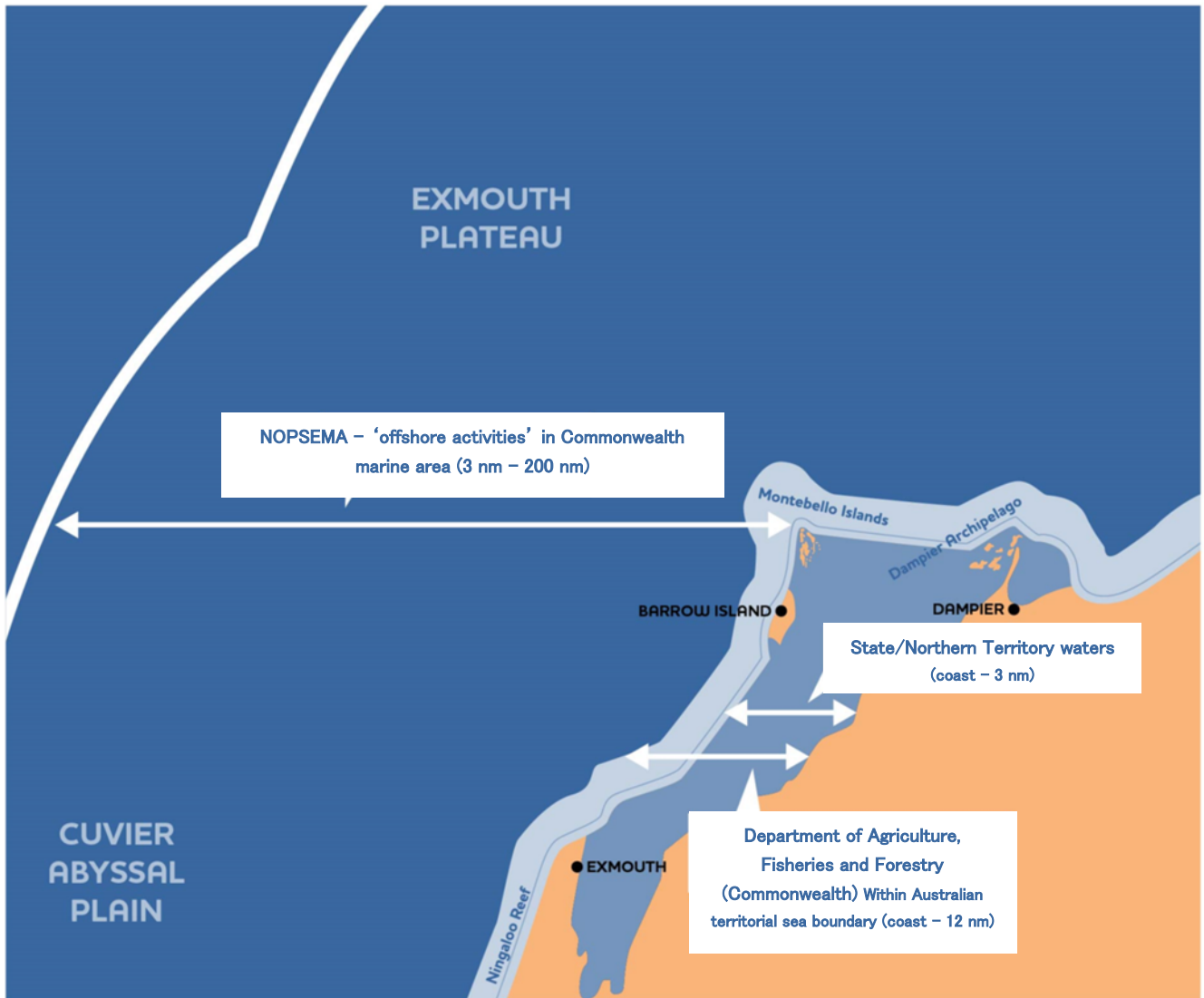


Figure 1 – Map illustrating the differences and overlap between relevant marine biosecurity jurisdictions in Australian waters.

To comply with relevant legislative requirements, biosecurity risk assessments and management measures may be required prior to entry into relevant jurisdictions. Further information on the relevant biosecurity requirements and associated agencies is provided in Appendix A of this Information Paper.

## 2. Nationally accepted approach to biofouling management

Marine biosecurity risk assessments that appropriately consider biosecurity risk factors are an effective tool for informing the need for, and type of, biosecurity management measures required to minimise the risk of marine pest introduction, establishment and spread. The reliability of risk assessment results is contingent on the degree to which relevant risk factors were taken into account and applied throughout the process. Offshore industry biosecurity risk assessment processes that do not adequately account for biofouling risk factors can lead to unreliable or false 'low' risk assessment outcomes. In turn this can lead to failures to identify and implement appropriate management measures to address biofouling risks.

## Good practice advice

A nationally accepted and consistent approach to biofouling risk assessment and management by the offshore industry is supported by NOPSEMA. This approach would provide confidence that vessels (including seismic and support vessels), facilities, MODUs, or other mobile components moving into, out of, and within Australian waters do not present an unacceptable biosecurity risk. A consistent approach would then reduce the risk to industry in terms of remediation actions resulting in unforeseen delays and costs.

Key biofouling management guidance that should be considered when designing effective biosecurity management frameworks include the *National biofouling management guidelines for the petroleum production and exploration industry* (Marine Pest Sectoral Committee, 2018) (the National biofouling management guidelines)<sup>7</sup>, the *Guidelines for the control and management of ships' biofouling to minimise the transfer of invasive aquatic species* (International Maritime Organisation, 2023) (the IMO Guidelines)<sup>8</sup> and the *Australian biofouling management requirements* (DAFF, 2023)<sup>9</sup>. Consistent with this guidance, key factors that should be accounted for when developing and implementing biofouling risk assessment processes include:

- Timing of marine pest risk assessment relative to vessel/rig selection and movement to the offshore activity area to ensure there is sufficient time to implement necessary control measures in cases where management is warranted to reduce the risk.
- History of the vessel/facility, including time spent in ports of call since last dry dock, cleaning regime or marine pest inspection results.
- Time between a biofouling inspection and mobilisation to an offshore activity to inform exposure risk following the last inspection and justify the relevance of biofouling inspection findings.
- Presence of an appropriate biofouling management plan and effective implementation of the plan (e.g. demonstrated implementation of external and internal marine growth prevention systems, an understanding of the effectiveness of antifouling coatings and functionality of internal treatment systems).
- Level of existing biofouling and the presence of species of concern (in particular the presence of marine pests) within biofouling communities on the vessel/infrastructure/facility associated with the activity (often informed by biofouling record books, maintenance records, cleaning results or inspection programs).
- Operational profile relevant to biosecurity risk such as operating speed, time alongside a facility and the need for ballast exchanges while engaged in an offshore activity.

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<sup>7</sup> The National biofouling management guidelines provides recommendations for the management of biofouling hazards by the petroleum industry.

<sup>8</sup> The IMO Guidelines are intended to provide a globally consistent approach to the management of biofouling, which is the accumulation of various aquatic organisms on ships' hulls.

<sup>9</sup> The *Australian biofouling management requirements* (Commonwealth of Australia, 2023) prescribe how biofouling should be managed within Australian territorial seas to comply with the Biosecurity Act (see Appendix A for further information) and provides guidance for vessel operators on best practice approaches to biofouling management.

- Receiving environment including temperature, salinity and the presence of shallow water sensitivities within proximity to the offshore activity.
- Qualifications and competency of personnel undertaking biofouling inspections, associated risk assessments and making management decisions.

NOPSEMA's expectation for the industry's management of biofouling risk is that titleholders and their contracted vessels/mobile facility operators, at a minimum, apply relevant guidance from the IMO Guidelines. The IMO Guidelines are intended to provide an internationally consistent approach to biofouling management and record keeping with the key recommendations for the development and implementation of a biofouling management plan and biofouling record book.

NOPSEMA is aware that states/territories have specific biofouling risk management expectations, arrangements and systems based around their legislative requirements and functions. Their respective websites include a variety of resources relevant to biofouling risk management (see Appendix A). Titleholders and their contracted vessel (including seismic and support vessels), facility, MODU or other mobile component operators servicing the industry, should ensure they are aware of, and have regard to, the relevant state/territory risk management requirements as appropriate to the circumstances of the offshore activity. They may even consider applying state/territory risk management systems, where appropriate, for understanding biofouling risks posed by offshore activities.

In addition, there is merit in titleholders establishing vetting processes that ensure their contracted vessel (including seismic and support vessels), facility, MODU or other mobile component operators have effective biofouling management plans in place with supporting evidence contained in biofouling record books consistent with the IMO Guidelines. This will provide important context for titleholder risk assessments and facilitate the effective implementation of biofouling risk assessment and management measures to support the case made that marine pest risks are being managed to as low as reasonably practicable (ALARP) and acceptable levels as required by the Environment Regulations.

### **3. Managing the risk to acceptable levels**

To demonstrate that impacts and risks will be of an acceptable level, titleholders should first define the acceptable level in the EP and the set environmental performance outcomes (EPOs), control measures and associated environmental performance standards to meet that level. In general terms, EPOs for marine biosecurity risk should reflect that the introduction, establishment or translocation (spread) of marine pests to and within Australian waters as a result of proposed activities is not acceptable. An appropriately framed EPO for managing biosecurity risk may be: 'No introduction of marine pests'. If, for example, preventative management measures committed to in the EP fail and an introduction of a marine pest occurs, the outcome would be a breach of the EPO, which must be reported to NOPSEMA as a recordable incident. Specific measures must be in place within the environmental management system for the activity that are sufficient to demonstrate that the acceptable level of risk will be achieved, and levels of environmental performance set out in the accepted EP continue to be met for the duration of the activity. In relation to marine pest

risk management, this may necessitate the titleholder's environmental management system to provide for triggering implementation of management actions proportionate to the level of risk generated if earlier management interventions fail (such as preventative risk controls in the example above).

Definitions of key terms<sup>10</sup>:

**Marine pest:** Any exotic marine species that poses a threat to Australia's marine environment or industry, if introduced, established or translocated. *Note that many terms can be used, sometimes interchangeably, to describe plants and animals that have been moved beyond their native range by humans, including alien, exotic, introduced, invasive, non-indigenous, non-native and nuisance species.*

**Introduction:** Deliberate or unintentional human-assisted movement of a species to any location that is not part of its natural (native) range.

**Establishment:** Forming self-sustaining populations.

**Translocation (spread):** The accidental or intentional transportation of an organism from one location to another and does not refer to a successful introduction or incursion.

### Good practice advice

The biosecurity risk assessment process should include an evaluation of the risk analysis results against the defined acceptable level of risk to support decisions about control measures (if any) needed to provide assurance that the acceptable level of risk can be met. In circumstances where a vessel (including seismic and support vessels), facility, MODU or other mobile component is leaving an offshore activity and entering within 12 nm of the coast (the territorial sea) and/or coastal waters, relevant biosecurity management requirements of these jurisdictions apply and advice from the relevant biosecurity agencies should be sought where necessary (refer to Appendix A, Table 1).

In all circumstances, where the risk assessment output is not low/acceptable, some form of management response would be expected in order to reduce the risk to the acceptable level.

Management responses needed to ensure that the acceptable level of risk can be met will be dependent on the degree of risk presented by the activity and may include, but are not limited to:

- Visual inspection of submerged surfaces and niche areas by a suitably experienced and competent biosecurity inspector<sup>11</sup> to better understand the actual biosecurity risk and inform management actions.
- Cleaning of biofouling on submerged surfaces to reduce the risk of marine pest transfer.

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<sup>10</sup> Definitions derived from published Australian Government sources, including the National biofouling management guidelines.

<sup>11</sup> The Western Australian Department of Primary Industries and Regional Development (DPRID) provides guidance on criteria that may be used to determine suitably qualified IMS experts in the *Guidance Statement – Criteria for Suitably Qualified Invasive Marine Pest Experts* (DPRID, 2017).

- Temporal or spatial controls to limit the risk of marine pest transfer to the environment from a vessel (including seismic and support vessels), facility, MODU or other mobile component of an offshore activity.
- Additional marine growth prevention measures (e.g. dosing of internal seawater system with biocides, application or re-application of anti-foul coatings).
- Using alternative vessels (including seismic and support vessels), MODUs or other mobile components or equipment that have a demonstrated low biosecurity risk profile.

For further information on management measures to minimise the transfer of marine pests to new areas, titleholders should refer to IMO Guidelines and the National biofouling management guidelines.

Appendix B provides an example framework outlining considerations that may be relevant to evaluating the acceptability of marine pest biosecurity risk associated with engaging a facility, vessel (including seismic and support vessels), MODU or other mobile components in an offshore activity.

#### **4. Interpreting low risk status from the Department of Agriculture, Fisheries and Forestry**

The *Offshore Installations Biosecurity Guide* (DAFF, 2023)<sup>12</sup> explains that where an installation has satisfied the Director of Biosecurity that its biosecurity risk is acceptable, DAFF will issue a letter to the operator of the installation indicating that the installation achieved a 'low risk status'. A 'low risk status' determination by the Director of Biosecurity is based on consideration of topsides biosecurity only and does not provide any form of assurance of a 'low risk' marine biosecurity profile from biofouling. Consequently, the 'low-risk status' letters include information to clarify that they apply to topsides activities only and do not include consideration of marine pest risk presented by biofouling.

##### **Good practice advice**

The 'low risks status' letter issued by the Director of Biosecurity should not be referenced in EPs to infer a 'low risk' marine biosecurity profile. Instead, effort should be directed by titleholders (and in some cases operators of vessels (including seismic and support vessels), facilities, MODUs or other mobile components) to develop and implement appropriate good practice risk assessments and measures for biofouling risk management.

#### **5. Consideration of new information relevant to biosecurity risk**

During the course of undertaking offshore activities there is potential for the marine biosecurity risk profile to change. For example, a risk profile could change as a result of new information (e.g. in water inspection results) or changes to the offshore activity (e.g. new vessel (including a seismic

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<sup>12</sup> The *Offshore Installations Biosecurity Guide* (DAFF, 2023) provides the offshore oil and gas industry with guidance on Australian biosecurity management requirements for vessels, equipment and infrastructure entering Australian waters including vessels servicing these activities.

and support vessels), MODU or other mobile component to be commissioned with a risk profile different to that assessed in the EP). These changes should trigger a risk review process to determine whether new or modified control measures should be adopted to ensure that the EPO is met, and the impacts and risks are continuously reduced to ALARP and an acceptable level.

### **Good practice advice**

Biosecurity risk management should be integrated into titleholder environmental management systems so that changes to the offshore activity or new information relevant to marine biosecurity risk are identified, analysed and evaluated to ensure that biosecurity risk remains acceptable and managed to ALARP throughout the course of the offshore activity.

Titleholders should ensure that change management processes include the evaluation of the effectiveness of existing control measures and/or the need for different or additional control measures to address altered biosecurity risk profiles and whether EP revision requirements in accordance with Regulation 39 of the Environment Regulations<sup>13</sup> is warranted.

## **6. Assumption that offshore activities outside of Australian territorial sea boundary present an inherently low biosecurity risk**

Biosecurity management legislation is applied by the DAFF within the 12 nm Australian territorial sea boundary and relevant state/territory agencies within coastal waters (see Appendix A). Offshore activities undertaken outside of the 12 nm Australian territorial sea boundary must not be assumed to have inherently low risk that negates the need for consideration of marine biosecurity management controls. For offshore activities undertaken in the CMA, the Environment Regulations require titleholders to demonstrate that all impacts and risks will be managed to ALARP and acceptable levels. This requirement applies equally to marine pest biosecurity risk with biofouling and the movement of vessels (including seismic and support vessels), facilities, MODUs or other mobile components into the CMA to undertake an offshore activity.

### **Good practice advice**

Industry risk assessment processes need to be applicable to offshore activities that are located outside the 12 nm Australian territorial sea boundary to ensure that relevant biosecurity risk pathways can be evaluated, and that biosecurity risk can be managed to ALARP and acceptable levels. Examples of potential risk pathways outside the 12 nm territorial sea boundary that risk assessment processes should account for include:

- The entry of a facility from a foreign port containing biofouling communities, potentially containing marine pests, into Australian waters.

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<sup>13</sup>NOPSEMA's *When to submit a proposed revision of an EP* guideline (N-04750-GL1705) provides more detail on revision requirements when changes are made to the environmental management of an activity.

- The movement of vessels (including seismic and support vessels), MODUs or other mobile components from domestic and international ports potentially facilitating the movement of marine pests/propagules and transfer to the facility's wet surfaces consequently creating a source of marine pest biosecurity risk that requires ongoing management.
- The presence of biofouling on a facility that is known to or has potential to contain reproductively viable marine pests/propagules that may be taken up in vessel ballast water and/or successfully transferred to a vessel's wet surfaces and conveyed to other areas outside of the title (e.g. coastal waters/ports).
- The presence of marine pests on facilities which form viable reproductive populations that can naturally disperse to shallow shoals/reefs in Australian waters.

## 7. Domestically sourced vessels

Given that there are marine pests established in some port locations in Australia and not others, domestically sourced vessels may pose a risk of marine pest transfer and spread between regions within Australian waters. For example, there is potential for support vessels to transfer marine pests to MODUs and for those rigs to subsequently transfer marine pests to other locations in Australian waters that have not previously been exposed to that species of concern.

### Good practice advice

In a comprehensive risk assessment, consideration should be given to the potential for marine pests to be transferred between vessels (including seismic and support vessels), facilities, MODUs or other mobile components, and the risk that this poses for transfer to other areas of Australian waters that may not have that species of concern. In circumstances where facilities are known to be colonised with pests, it is important that the risk of spread from the facility to the Australian marine environment is minimised through control measures and ongoing surveillance to monitor the risk over time. Depending on the level of risk, limiting time alongside the infected facility and/or other controls consistent with IMO Guidance, in conjunction with assurance processes that confirm the effective implementation of these measures, may be required.

## 8. Effectiveness of anti-fouling systems

The International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (HAFS Convention)<sup>14</sup> requires ships of 400 GT or above to have an International anti-fouling system (AFS) certificate. While the HAFS Convention addresses anti-fouling on ships, its focus is on the prevention of adverse impacts from the use of anti-fouling systems and the biocidal properties they may contain, rather than preventing the transfer of marine pests. It is important to note that the AFS certificate alone does not provide assurance that the marine pest risk is appropriately managed as it is the effectiveness and condition of the anti-foul coating that is relevant to

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<sup>14</sup> The HAFS Convention prohibits the use of harmful organotins in anti-fouling paints used on ships and establishes a mechanism to prevent the potential future use of other harmful substances in anti-fouling systems.

informing the risk. As such, titleholders cannot rely on the presence of an AFS certificate alone as a control for managing biofouling risks to an acceptable level.

### Good practice advice

When anti-fouling systems, anti-fouling coatings and/or marine growth prevention systems are adopted as control measures for reducing the risk of marine pest transfer, it is important that the level of performance expected of these controls (e.g. implemented, functional, maintained and audited by personnel with relevant capability and experience) are defined in the EP and incorporated into environmental performance standards. This can be informed by operator/contractor biofouling record books, maintenance records and/or through relevant in-water and/or out of water inspections.

## 9. Take away message

In designing biofouling management arrangements, titleholders and operators of vessels (including seismic and support vessels), facilities, MODUs or other mobile components need to consider the environmental and jurisdictional context in which they are working, and the marine pest biosecurity risk profiles presented by their offshore activities to ensure requirements are complied with and appropriate control measures are in place to manage marine pest biosecurity risks to ALARP and acceptable levels throughout the course of their offshore activities. NOPSEMA considers that the IMO Guidelines provide relevant, good practice advice for the offshore industry. Through applying this guidance, industry can demonstrate their contribution to implementing *Australia's Marine Pest Plan 2018-2023: The National Strategic Plan for Marine Pest Biosecurity* (Department of Agriculture and Water Resources, 2018).

## 10. Resources

- Department of Agriculture, Fisheries and Forestry 2023, Australian biofouling management requirements (Version 2), Department of Agriculture, Fisheries and Forestry, Canberra, CC BY 4.0
- Commonwealth of Australia 2020, Australian ballast water management requirements (Version 8), Department of Agriculture, Water and the Environment, Canberra, July, CC BY 3.0
- Department of Agriculture and Water Resources 2015, Review of national marine pest biosecurity, Canberra
- Department of Agriculture and Water Resources 2018, Marine Pest Plan 2018–2023: The National Strategic Plan for Marine Pest Biosecurity, Canberra, May, CC BY 4.0
- Department of Agriculture, Fisheries and Forestry 2023, Offshore Installations Biosecurity Guide (Version 1.5), Canberra, June 2023
- Department of Agriculture, Water and the Environment 2021, Australian biofouling management requirements for international vessel arrivals – Regulation impact statement, Canberra, August, CC BY 4.0

- Department of Primary Industries and Regional Development 2017, Guidance Statement – Best Practice Guidelines for Invasive Marine Species Inspections (Version 1.0), July 2017
- Department of the Environment and New Zealand Ministry for Primary Industries 2015, Anti-fouling and in-water cleaning guidelines, Department of Agriculture, Canberra, April, CC BY 3.0
- International Maritime Organisation 2023, Guidelines for the control and management of ships' biofouling to minimise the transfer of invasive aquatic species, Annex 17, Resolution MEPC.378(80), Adopted on 7 July 2023
- Marine Pest Sectoral Committee 2018, National biofouling management guidelines for the petroleum production and exploration industry, Department of Agriculture and Water Resources, Canberra, December, CC BY 4.0

## **11. Contact**

Enquiries should be directed to [communications@nopsema.gov.au](mailto:communications@nopsema.gov.au) and quote 'NOPSEMA Information Paper – Reducing marine pest risks through good practice biofouling management'.

## Appendix A: Relevant Australian marine biosecurity requirements, guidance and contacts

This attachment provides an overview of biosecurity management requirements relating to Australian marine jurisdictions.

### NOPSEMA

The legislation that NOPSEMA administers, the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 (Environment Regulations), applies to petroleum and greenhouse gas activities (offshore activities) in the Commonwealth marine area (CMA) and requires titleholders to demonstrate that all impacts and risks from their offshore activities will be managed to as low as reasonably practicable (ALARP) and acceptable levels. This includes the risk of marine pest introduction and/or establishment within the CMA as a result of the movement of vessels (including seismic and support vessels), facilities, MODUs or other mobile components.

The relevant requirements that apply to assessing and managing marine pest biosecurity risk associated with offshore activities in the CMA are contained in the Environment Regulations:

- Regulation 21(4)(a) & (b) states that an Environment Plan (EP) must describe the requirements, including legislative requirements, that apply to the activity and are relevant to the environmental management of the activity; and demonstrate how those requirements will be met.
- Regulation 21(5)(a),(b) & (c) states that the EP must include details of the environmental impacts and risks for the activity; and an evaluation of all the impacts and risks, appropriate to the nature and scale of each impact or risk; and details of the control measures that will be used to reduce the impacts and risks of the activity to ALARP and an acceptable level.
- Regulation 25 requires that, in the course of preparing an EP (or revision), the titleholder must consult with each Department or agency of the Commonwealth, State or Northern Territory to which the activities to be carried out under the EP (or revision of the EP) may be relevant.

NOPSEMA's regulatory functions include monitoring titleholder compliance. NOPSEMA may monitor titleholder implementation of biofouling risk management measures to ensure they are managing marine pest risks to ALARP and acceptable levels and can use enforcement powers if necessary.

### Department of Agriculture, Fisheries and Forestry

The principle national biosecurity legislation in Australia is the Biosecurity Act 2015 (Biosecurity Act). It is administered by the Department of Agriculture, Fisheries and Forestry (DAFF) and has jurisdiction within Australian territory (i.e. within 12 nm of the coast). Relevant to managing marine pest biosecurity risks, under the Biosecurity Act there are legislative requirements that prescribe how ballast water and biofouling should be managed within Australian territorial seas.

The *Australian ballast water management requirements* (Commonwealth of Australia, 2020) set out the obligations on vessel operators with regards to the management of ballast water and

ballast tank sediment when operating within Australian territorial seas. Australia's ballast water policy approach is consistent with the *International Convention for the Control and Management of Ships' Ballast Water and Sediments* (the Ballast Water Management Convention). In general, vessel operators have obligations to manage ballast water prior to arrival in Australian territorial seas and between Australian ports, and to carry a ballast water management plan, ballast water management certificate and maintain ballast water records.

The *Australian biofouling management requirements* (Commonwealth of Australia, 2023) set out the obligations on vessel operators with regards to the management of biofouling when operating vessels under biosecurity control within Australian territorial seas. Australia's biofouling policy approach is consistent with the *Guidelines for the control and management of ships' biofouling to minimise the transfer of invasive aquatic species* (International Maritime Organisation, 2023) (the IMO Guidelines). It has also been informed by the *Review of national marine pest biosecurity* (Department of Agriculture and Water Resources, 2015) and the *Australian biofouling management requirements for international vessel arrivals – Regulation impact statement* (Department of Agriculture, Water and the Environment, 2021). In general, vessel operators have obligations to provide information on how biofouling has been managed prior to arrival in Australian territorial seas. While this requirement typically applies on first entry, it may also apply on subsequent entries following an interaction with a secondary conveyance in Commonwealth waters outside of Australian territorial seas (e.g. an offshore facility). Vessels that are under biosecurity control and do not implement accepted biofouling management practices (i.e. implementation of an effective biofouling management plan, cleaned all biofouling within 30 days of entering Australian territorial seas, and/or implementation of an alternative biofouling management method pre-approved by DAFF) will be subject to further questions and assessment by DAFF of the biosecurity risk associated with biofouling on the vessel.

DAFF has published an Offshore Installations Biosecurity Guide (Department of Agriculture, Fisheries and Forestry, 2023) (Biosecurity Guide) to provide guidance to the offshore industry on Australian biosecurity requirements relevant to titleholders and operators of vessels (including seismic and support vessels), facilities, MODUs or other mobile components. The Biosecurity Guide enables the operator of the facility to apply for 'low risk status' however it is important to note that a 'low risk status' determination only applies to topsides biosecurity and therefore does not provide any form of assurance of a 'low risk' marine biosecurity profile from biofouling.

DAFF has also published consultation guidance to clarify consultation expectations during the preparation of EPs for offshore activities and in the event that an offshore activity has potential to introduce or spread a marine pest and associated disease<sup>15</sup>.

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<sup>15</sup> [https://www.agriculture.gov.au/biosecurity/avm/vessels/offshore\\_installations/marine-pest-biosecurity#offshore-consultation-guidance-for-environmental-plans-and-offshore-project-proposals](https://www.agriculture.gov.au/biosecurity/avm/vessels/offshore_installations/marine-pest-biosecurity#offshore-consultation-guidance-for-environmental-plans-and-offshore-project-proposals)

## State and territory requirements

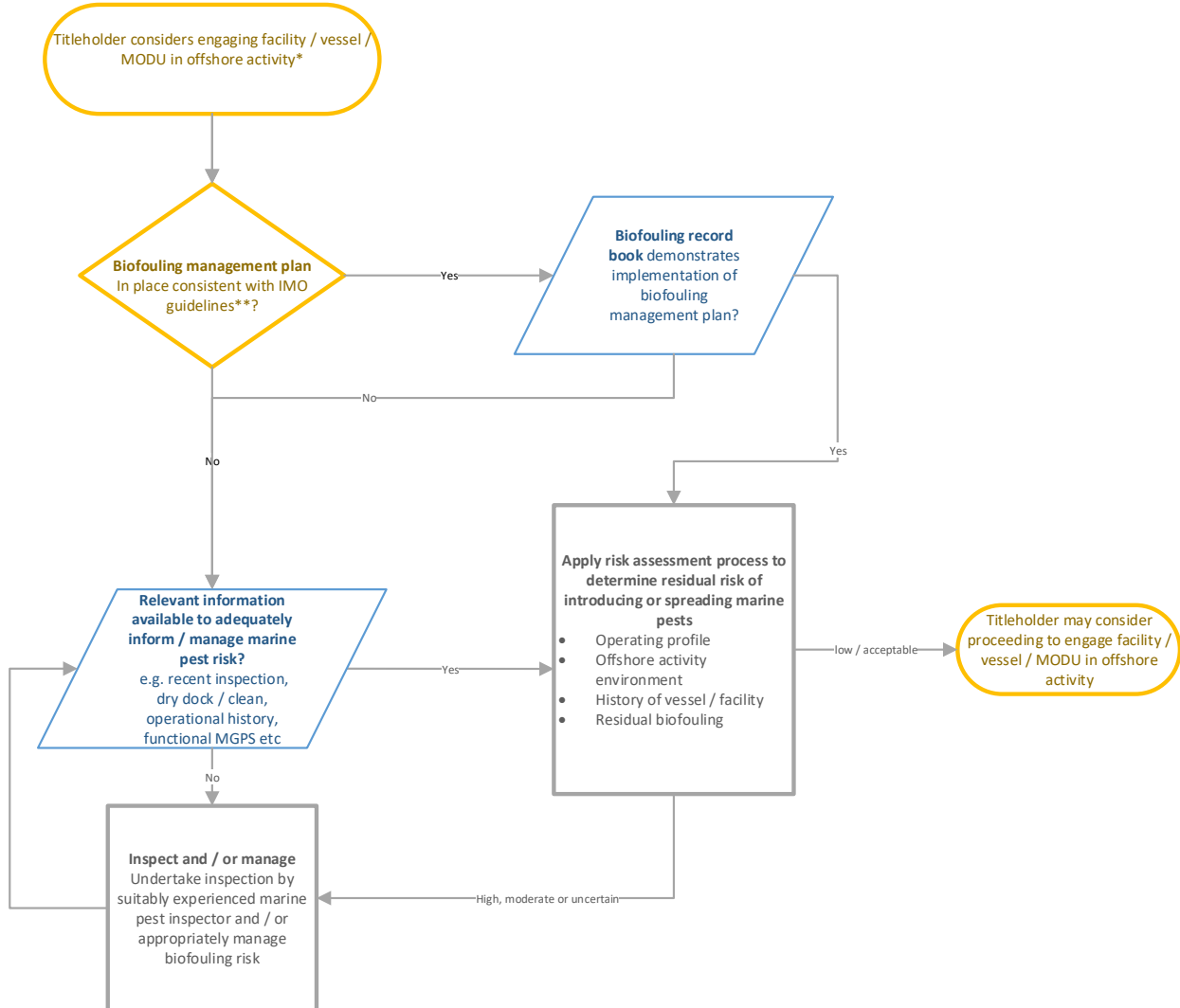
Further to Commonwealth requirements and expectations, there are marine biosecurity obligations captured in relevant state/territory legislation, policies and guidance that apply in coastal waters. Requirements and standards for biofouling risk assessment and management are specific to individual state/territory jurisdictions and requirements/expectations for risk assessments and management vary between biosecurity regulators of coastal waters. Biosecurity agencies for state/territory waters are provided in Table 1. These agencies should be contacted in the instance that there is uncertainty in the biosecurity requirements that apply to individual jurisdictions.

Table 1 – Biosecurity agencies, corresponding jurisdictional boundaries, guidance and contact details.

Agency	When and where relevant biofouling requirements apply	Relevant guidance and contact details
<b>NOPSEMA</b>	All petroleum and greenhouse gas activities (includes MODUs and support vessels servicing offshore activities) in the Commonwealth Marine Area (3 nm to 200 nm)	<p><b>Relevant guidance:</b></p> <ul style="list-style-type: none"> <li>• EP assessment policy and guidance material; on website (see the weblink below)</li> <li>• Marine Pest Plan 2018-2023: The National Strategic Plan for Marine Pest Biosecurity (Department of Agriculture and Water Resources, 2018)</li> <li>• Guidelines for the control and management of a ships' biofouling to minimise the transfer of invasive aquatic species (International Maritime Organisation, 2023)</li> <li>• National biofouling management guidelines for the petroleum production and exploration industry (Marine Pest Sectoral Committee, 2018)</li> </ul> <p><b>Contact:</b> <a href="mailto:communications@nopsema.gov.au">communications@nopsema.gov.au</a></p> <p><b>Website:</b> <a href="http://www.nopsema.gov.au">www.nopsema.gov.au</a></p>
<b>Department of Agriculture, Fisheries and Forestry</b>	On entry into Australian Territorial seas (12 nm)	<p><b>Relevant guidance:</b></p> <ul style="list-style-type: none"> <li>• Australian ballast water management requirements (Commonwealth of Australia, 2020)</li> <li>• Australian biofouling management requirements (Commonwealth of Australia, 2023)</li> <li>• Marine Pest Plan 2018-2023: The National Strategic Plan for Marine Pest Biosecurity (Department of Agriculture and Water Resources, 2018)</li> <li>• Guidelines for the control and management of a ships' biofouling to minimise the transfer of invasive aquatic species (International Maritime Organisation, 2023)</li> <li>• National biofouling management guidelines for the petroleum production and exploration industry (Marine Pest Sectoral Committee, 2018)</li> <li>• Anti-fouling and in-water cleaning guidelines (Department of the Environment and New Zealand Ministry for Primary industries, 2015)</li> </ul> <p><b>Contact:</b> <a href="mailto:pestsmarine@aff.gov.au">pestsmarine@aff.gov.au</a></p> <p><b>Website:</b> <a href="https://www.agriculture.gov.au/biosecurity-trade/aircraft-vessels-military/vessels/marine-pest-biosecurity">https://www.agriculture.gov.au/biosecurity-trade/aircraft-vessels-military/vessels/marine-pest-biosecurity</a></p>
<b>State and territory requirements (adjacent to or in close proximity to offshore activities in Commonwealth Marine Area)</b>	In all coastal waters (3 nm to coast)	<p><b>Northern Territory</b></p> <p>Agency: The 'Aquatic Biosecurity Unit' Northern Territory Department of Primary Industry and Resources</p> <p>Contact: 0413 381 094</p> <p>Website: <a href="https://nt.gov.au/marine/for-all-harbour-and-boat-users/biosecurity/aquatic-pests-marine-and-freshwater/contact-aquatic-biosecurity-unit">https://nt.gov.au/marine/for-all-harbour-and-boat-users/biosecurity/aquatic-pests-marine-and-freshwater/contact-aquatic-biosecurity-unit</a></p> <p><b>Western Australia</b></p> <p>Agency: The 'Aquatic Pest Biosecurity Section' of the Department of Primary Industries and Regional Development</p> <p>Contact: (08) 9203 0111</p> <p>General biosecurity enquiries: <a href="mailto:aquatic.biosecurity@dpird.wa.gov.au">aquatic.biosecurity@dpird.wa.gov.au</a></p> <p>Vessel management enquiries: <a href="mailto:vessel.management@dpird.wa.gov.au">vessel.management@dpird.wa.gov.au</a></p> <p>Website: Aquatic biosecurity   Department of Primary Industries and Regional Development</p> <p><b>South Australia</b></p>

Agency	When and where relevant biofouling requirements apply	Relevant guidance and contact details
		<p>Agency: Department of Primary Industries and Regions South Australia (PIRSA) Biosecurity SA</p> <p>Contact: (08) 8303 9620 (invasive species)</p> <p>Website: <a href="https://pir.sa.gov.au/biosecurity/aquatics/aquatic_pests">https://pir.sa.gov.au/biosecurity/aquatics/aquatic_pests</a></p> <p><b>Victoria</b></p> <p>Agency: Agriculture Victoria</p> <p>Contact: <a href="mailto:Marine.pests@agriculture.vic.gov.au">Marine.pests@agriculture.vic.gov.au</a></p> <p>Website: <a href="https://agriculture.vic.gov.au/biosecurity/marine-pests">https://agriculture.vic.gov.au/biosecurity/marine-pests</a></p> <p><b>Tasmania</b></p> <p>Agency: Biosecurity Tasmania - Department of Primary Industries, Parks, Water and Environment</p> <p>Contact: <a href="mailto:Biosecurity.Tasmania@dpiuwe.tas.gov.au">Biosecurity.Tasmania@dpiuwe.tas.gov.au</a></p> <p>Website: <a href="https://dpiuwe.tas.gov.au/biosecurity-tasmania">https://dpiuwe.tas.gov.au/biosecurity-tasmania</a></p>

## Appendix B: Example framework – determining an acceptable level of biofouling risk prior to engaging a facility, MODU or vessel in an offshore activity



*\*Facilities, vessels (including seismic and support vessels), MODUs and other mobile components engaged in an offshore activity (offshore petroleum or greenhouse gas activity) in Commonwealth marine area whereby the Environment Regulations (administered by NOPSEMA) and associated Environment Plan requirements apply.*

*\*\* Guidelines for the control and management of a ships' biofouling to minimise the transfer of invasive aquatic species (International Maritime Organisation, 2023).*

*IMO = International Maritime Organisation; MGSP = marine growth prevention system; MODU = mobile offshore drilling units.*